

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RACHEL ADIN LLC

Plaintiff,

-against-

H&M HENNES & MAURITZ LP,

Defendants.

23-CV-11167 (JHR) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

The Complaint was filed on December 22, 2023 (*see* ECF 1), and the filings on the docket indicate that Defendant H&M Hennes and Mauritz LP (“Defendant”) has not yet been properly served. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).

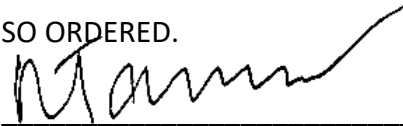
The time to serve the complaint on Defendant has expired. In accordance with Rule 4(m), Plaintiff is notified that it is my intention to recommend that Judge Rearden dismiss the claims against Defendant. If Plaintiff wishes to move for a nunc pro tunc extension of the time for service on Defendant, any such motion must be filed on or before **April 16, 2024**, must show good cause for the extension, and must include a complete description under oath of all efforts made to date to effectuate service on Defendant. In addition, the application to extend the time for service must comply with the Local Rules of the United States District Court for the

Southern District of New York, including Local Rules 6.1 and 7.1. If Defendant's address is known, service of the notice of motion and accompanying papers should be made by mail on Defendant.

If no such motion is filed by **April 16, 2024** in accordance with this Order, I will issue a report and recommendation that Judge Rearden dismiss the claims against Defendant.

DATED: April 3, 2024
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Tarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY

United States Magistrate Judge